

Bureau of Internal Affairs
Investigations Division
Special Investigations Section

01 August 2014
CR No. 1054246

TO: Lieutenant Edwin Kaup #771
Commanding Officer
Investigations Division
General Investigations Section

FROM: Sergeant Robert Vanna #2232
Investigations Division
Special Investigations Section

SUBJECT: APPROVAL – CL No. 1054246

The above referenced investigation has been completed and submitted for your approval.



#2232

Sgt. Robert Vanna #2232
Special Investigations Section
Bureau of Internal Affairs

APPROVED:


Edwin Kaup Jr. #771
Commanding Officer
Investigations Division
Special Investigations Section


Robert J. Klimas
Commander
Bureau of Internal Affairs
Investigations Division

SUMMARY REPORT
CHICAGO POLICE DEPARTMENT

LOG NO
1054246

TYPE

CR

DATE OF REPORT
01-AUG-2014

TO: CHIEF, BUREAU OF INTERNAL AFFAIRS
ATTENTION:

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
VANNA, ROBERT	9171	2232		121	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 3151 W. HARRISON ST, CHICAGO, IL 60612	DATE / TIME: 01-JAN-2011 00:01 - 14 MAY 2012	BEAT: 1134
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ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
ZELITZKY, ADAM R	9171	2381		022		M / WHI	MAY-1963	05-DEC-1988	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
BOEDDEKER, BRYAN	RANK: 9165,STAR NO: 20288, EMP NO:			M / WHI	JUN-1977 / 37

VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
BOEDDEKER, BRYAN	RANK: 9165STAR NO: 20288, EMP NO#			M / WHI	JUN-1977 / 37

WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
HOLLER, JOEL	RANK: 9171,STAR NO: 1405,EMP NO:			M / WHI	FEB-1976 / 38
COBAR, VANESSA	RANK: 9161,STAR NO: 11766,EMP NO:			F / S	JUN-1973 / 41
POPIELA, GLEN	RANK: 9161,STAR NO: 14124,EMP NO:			M / WHI	JUN-1970 / 44
KINSELLA, JAMES	RANK: 9161,STAR NO: 10472,EMP NO:			M / WHI	FEB-1982 / 32
RAINES, THOMAS	RANK: 9161,STAR NO: 8384,EMP NO:			M / WHI	JAN-1981 / 33

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

SUMMARY REPORT
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ALLEGATIONS

** SEE LAST PAGE FOR INSTRUCTIONS FOR STATING ALLEGATIONS, AND COMPLETING THE REMAINDER OF THE SUMMARY REPORT.

SEE ATTACHED REPORT

INSTRUCTIONS FOR THE SUMMARY REPORT

AFTER COMPLETING THE FORM, CONTINUE THE SUMMARY REPORT ON 8 1/2 x 11 INCH WHITE PAPER.

ALLEGATIONS

In narrative form, state how, when, where, and by whom the complaint was received. State the date, time, and location where the incident occurred, and summarize the complaint. If more than one allegation is made, enumerate each allegation as follows:

- No. 1 (Summarize the allegation)
- No. 2 (Summarize the allegation)

2. EVIDENCE

Number and attach all statements, reports, and other evidence gathered, on the lower right hand corner. The Complaint Log number must also be entered on the lower right hand corner of each attachment. Following are numbered (EXAMPLES ONLY).

Attachments:

- No. 1 Face Sheet - Yellow
- No. 2 Letter of complaint from victim
- No. 3 Statement of victim
- No. 4 Statement of witness (give name)
- No. 5 Report of member (give name)
- No. 6 Statement of member (give name)
- No. 7 Progress report of investigator (give name)
- No. 8 Copy of certified letter to reporting party
- No. 9 Copy of Alcoholic Influence Report (accused)
- No. 10 General Offense Case Report, R.D. _____
- No. 11 Signed Sworn Affidavit

3. INVESTIGATION

In narrative form, indicate the fact-finding processes followed and the information ascertained as a result of the investigation. Whenever reference is made to an attachment, indicate the attachment number.

4. FINDINGS

Each allegation must be classified as either of the following:
Unfounded - Exonerated - Not Sustained - Sustained - No Affidavit.

If the classification is "Sustained," indicate the rule number violated, the context of the rule, and how the rule was violated by the member.

Example: Allegation No. 1. Unfounded

Allegation No. 1. Sustained - Violation of Rule 12,
Failure to wear the uniform as prescribed, in that on 27 Feb 84
the accused was found to be wearing a non-prescribed short
sleeve shirt.

Even though the original allegation(s) may be Unfounded, etc., the investigation may uncover a violation of serious nature unrelated to the original complaint, in which case disciplinary action should be recommended for the other violation.

Example: Allegation No. 1. Unfounded

Allegation No. 2. Not Sustained Other violation: Sustained-
Violation of Rule 26, Failure to provide the Department with
a current address and telephone number, in that the
accused related in his statement that he had moved and
obtained a new telephone number and he had failed to
provide this information to the Department.

SUMMARY OF PREVIOUS DISCIPLINARY ACTIONS and RECORD OF PREVIOUS COMPLIMENTARY HISTORY

IN SUSTAINED CASES ONLY, copies of the accused member's
Summary of Previous Disciplinary Actions and Record of Previous
Complimentary History will be included as attachments to the final
investigation report. Refer to the General Order entitled "Complaint and
Disciplinary Procedures."

5. RECOMMENDATION FOR DISCIPLINARY ACTION

One (overall) recommendation for disciplinary action will be made by the
investigator. The recommendation will be for all sustained findings;
recommendations will not be made for each sustained allegation

Examples: 1. Violation noted, no disciplinary action warranted.

- 2. That the accused member be reprimanded.
- 3. That the accused member be suspended for days
- 4. That the accused member be separated from the
Department.

6. DATE INITIATED: (Date complaint was received for investigation)

7. DATE COMPLETED: (Date of this report)

8. ELAPSED TIME: (Total time, expressed in days)

(Investigator)			
Rank	Name	Star No.	Unit

9. APPROVALS

The investigator will initiate the Command Channel Review form
(CPD-44, 113-A) by completing the Investigator section.

SUMMARY REPORT
Bureau of Internal Affairs
Special Investigations Section

CR 1054246

1. ALLEGATIONS

Allegation No. 1: It has been alleged that during the period of January 2011 through May 14, 2012 the accused, Sgt. Adam ZELITZKY #2381, discriminated against the complainant, Detective Bryan BOEDDEKER #20288, in the form of sexual harassment and created a hostile work environment for the complainant in that the accused repeatedly referred to the complainant as "ball licker" in the workplace.

Allegation No. 2: It has been alleged that on May 14, 2012 the accused, Sgt Adam ZELITZKY #2381, discriminated against the complainant, Detective Bryan BOEDDEKER #20288, in the form of sexual harassment and created a hostile work environment for the complainant in that the accused stated to the complainant "What do you want me to do, give you a blow job?" in the workplace.

2. EVIDENCE

No.	Type	Related Person	No. of Pages	Narrative
1	FACE SHEET			
2	CONFLICT CERTIFICATION			
3	SWORN AFFIDAVIT FROM COMPLAINT/VICTIM		1	NOT REQUIRED
4	INITIATION REPORT		1	E.E.O.C.#2012-010
5	REPORT (OTHER)	BOEDDEKER, BRYAN	13	SUMMARY OF INCIDENTS
6	AUDIO INTERVIEW	BOEDDEKER, BRYAN	1	
7	EEO (EQUAL EMPLOYMENT OPPORTUNITY) COMPLAINT	BOEDDEKER, BRYAN	5	EEOC 440-2012-04293
8	EEO (EQUAL EMPLOYMENT OPPORTUNITY) COMPLAINT	BOEDDEKER, BRYAN	11	IDHR 2013 CN 1143
9	INTERVIEW - WITNESS	RAINES, THOMAS	5	
10	INTERVIEW - WITNESS	HOLLER, JOEL	4	
11	INTERVIEW - WITNESS	COBAR, VANESSA	4	
12	INTERVIEW - WITNESS	POPIELA, GLEN	4	
13	INTERVIEW - WITNESS	KINSELLA, JAMES	4	
14	AUDIO INTERVIEW	ZELITZKY, ADAM	1	
15	ATTENDANCE AND ASSIGNMENT RECORD	BOEDDEKER, BRYAN	17	01 JAN - 01 NOV 2011

SUMMARY REPORT
Bureau of Internal Affairs
Special Investigations Section

CR 1054246

16	ATTENDANCE AND ASSIGNMENT RECORD	BOEDDEKER, BRYAN	10	01 NOV 2011 - 14 MAY 2012
17	DEPARTMENT DIRECTIVE OR GENERAL ORDER		6	G.O. 10-02 (RELEVANT EEOC ORDER AT TIME OF INCIDENT)
18	DISCIPLINARY HISTORY	ZELITZKY, ADAM	2	
19	COMPLIMENTARY HISTORY	ZELITZKY, ADAM	1	
20	WITNESS NOTIFICATION FOR RAINES, THOMAS	RAINES, THOMAS		
21	WITNESS NOTIFICATION FOR POPIELA, GLEN	POPIELA, GLEN		
22	WITNESS NOTIFICATION FOR KINSELLA, JAMES	KINSELLA, JAMES		
23	WITNESS NOTIFICATION FOR COBAR, VANESSA	VANESSA		
24	WITNESS NOTIFICATION FOR HOLLER, JOEL	HOLLER, JOEL		
25	ACCUSED NOTIFICATION OF ALLEGATIONS FOR ZELITZKY, ADAM	ZELITZKY, ADAM		

3. INVESTIGATION

This investigation was initiated on 24 May 2012 by Sgt. Robert Flores who is assigned to the Office of Legal Affairs. Sgt. Flores generated CPD EEO # 2012-010 in regard to this complaint register investigation. (Att. 4)

Reporting sergeant was assigned this investigation on 08 June 2012 by Lt. Karen Konow, former C/O of BIA/SIS. Reporting sergeant also received a 13 page document submitted by BOEDDEKER to support his allegations against the accused, Sgt. Adam ZELITZKY. (Att. 5)

Over the course of this investigation, BOEDDEKER filed EEOC Charges of Discrimination outside of this investigation. On 27 June 2012 BOEDDEKER filed EEOC Charge of Discrimination No. 440-2012-04293 with the EEOC and Illinois Department of Human Rights. In Charge 440-2012-04293 BOEDDEKER stated that he was discriminated against on the basis of his sex (male) and subjected to sexual harassment. (Att. 5 & 8)

On 29 October 2012 Det. BOEDDEKER also filed an Employment Discrimination Charge solely at the Illinois Department of Human Rights. Charge No. 2013 CN 1143 named the accused as a Respondent. BOEDDEKER alleged that his civil rights were violated in that he is male and he was sexually harassed by the accused beginning on or about January 1, 2011 through May 14, 2012. In describing his allegations in Charge No. 2013CN1143, BOEDDEKER stated that the accused called him a "ball licker" in the presence of other officers. BOEDDEKER stated that he informed the accused that he found this behavior to

be sexually harassing, offensive and that he wanted it to stop. BOEDDEKER stated that the accused recently propositioned him by offering to perform fellatio on BOEDDEKER. BOEDDEKER concluded that the adverse actions of the accused has created a hostile work environment and inhibited his ability to perform the essential duties of his job. (Att. 8)

INTERVIEW OF P.O. BRYAN BOEDDEKER (Attachment No. 6)

On 25 June 2012 reporting sergeant interviewed BOEDDEKER at the Offices of the Bureau of Internal Affairs. BOEDDEKER was not accompanied by an attorney. BOEDDEKER'S interview was a digitally recorded audio interview.

The following is not intended to be considered a verbatim account of the interview of BOEDDEKER. Rather, it is a summary of the conducted interview.]

BOEDDEKER stated that he began working in the 011th District on or about January 2001 – May 2005. BOEDDEKER then bid to the 023rd District and returned to the 011th District in July 2010. BOEDDEKER finished 2010 assigned to the 1st watch and assigned to the 3rd watch in 2011. BOEDDEKER stated that during most of 2011 he was assigned to a 1530 start time and ZELITZKY was his sergeant on most occasions.

BOEDDEKER stated that when he was on 1st watch he did not have any interactions with ZELITZKY. BOEDDEKER stated that ZELITZKY started addressing him as "Ball Licker" or "Ball Decker" and that he found it to be unpleasant, demeaning and humiliating. BOEDDEKER stated that he didn't start immediately documenting the instances. BOEDDEKER stated that ZELITZKY would call him these names in roll call, the hallway of the 011th District or on the street. BOEDDEKER stated that he heard ZELITZKY refer to Officer Acevedo as "Ace Video" but could not recall any other names that ZELITZKY changed.

BOEDDEKER stated that on 02 November 2011 that while he was walking down the hallway, ZELITZKY yelled "Ball Licker" and motioned him to come into the Sergeant's Office. BOEDDEKER stated he did not remember the ensuing conversation he had with ZELITZKY. R/Sgt. asked BOEDDEKER if he made ZELITZKY aware that he found being called "Ball Licker" or "Ball Decker" was disrespectful. BOEDDEKER stated that he did not address him about it. BOEDDEKER further stated that he found it embarrassing and hoped ZELITZKY would stop doing it.

SUMMARY REPORT
Bureau of Internal Affairs
Special Investigations Section

CR 1054246

BOEDDEKER stated that on 16 November 2011 at the 1530 roll call, ZELITZKY called him "Ball Licker." BOEDDEKER stated that he was shocked and exclaimed "Holy Shit!" BOEDDEKER stated ZELITZKY responded, "What? I can call Acevedo 'Ace Video' but I can't call you 'Ball Licker?'" BOEDDEKER stated that he was shocked and shook his head as if saying "No."

R/Sgt. asked BOEDDEKER if he stated anything directly to ZELITZKY about not wanting to be called that name. BOEDDEKER stated that did not say anything directly to him. R/Sgt. then asked BOEDDEKER if he had an opportunity to meet with his Lieutenants or higher ranking members about the matter. BOEDDEKER stated that he did not meet with either.

BOEDDEKER stated that on 20 November 2011 ZELITZKY stated at check off, "Ball Licker, see me after check off." BOEDDEKER stated that he shook his and said, "Unwelcome and inappropriate, Sarge." BOEDDEKER stated that ZELITZKY did nothing but stare at him. BOEDDEKER stated that he didn't recall what they talked about.

BOEDDEKER stated that on 03 December 2011 ZELITZKY stated at check off, "Ball Licker." BOEDDEKER stated that he responded again by saying, "Unwelcome and inappropriate." BOEDDEKER stated that he did not meet or discuss the matter with any higher authority.

BOEDDEKER stated that in 2012 he began working a 1730 start and his contact with ZELITZKY was limited. BOEDDEKER stated that he was told this change was at ZELITZKY'S request but he (BOEDDEKER) was happy about the change.

BOEDDEKER stated that on 12 May 2012 he was called "Ball Licker" by ZELITZKY while on the street of a call at 700 N. Hamlin. BOEDDEKER stated that at that point he took a pen and paper out to jot down notes about the incident. BOEDDEKER stated that ZELITZKY seemed to be shocked by this. BOEDDEKER stated he told ZELITZKY "Sarge, I've told you repeatedly that those are unwelcome and sexually charged statements directed by a supervisor toward a subordinate."

R/Sgt. asked BOEDDEKER what he inferred Ball Licker to mean. BOEDDEKER stated that it was someone who licks a man's scrotum. R/Sgt. then asked what BOEDDEKER personally thought it meant when it was directed toward him. BOEDDEKER stated, "I really don't know what was going through his head. I'm not sure why he started using that name. He never made those comments to me when I worked in 011 previously. After I came back from 023, he started making those comments. I thought it to mean something sexual in nature. It was embarrassing and humiliating."

SUMMARY REPORT
Bureau of Internal Affairs
Special Investigations Section

CR 1054246

BOEDDEKER stated that on 14 May 12 at roll call, ZELITZKY said "Bryan, take your pen out. I'm about to tell a sexually charged joke. BOEDDEKER stated that he was shocked that ZELITZKY singled him out of roll call that. BOEDDEKER stated that ZELITZKY only addressed him as 1 3 3 3 5 which was the star number of BOEDDEKER. BOEDDEKER stated that there were no supervisors present when this occurred.

BOEDDEKER stated that later during the same tour of duty ZELITZKY approached him about activity he obtained outside of his assigned beat of 1114. BOEDDEKER stated that ZELITZKY told him he was giving him a verbal admonishment. BOEDDEKER stated that he believed ZELITZKY addressed him about beat integrity because BOEDDEKER wrote down the comments made to him on 12 May 2012 and that he confronted ZELITZKY with this belief.

BOEDDEKER'S recollection of the ensuing discussion mirrors that of his submitted report. ZELITZKY asked BOEDDEKER if he wanted to settle the discussion "man-to-man." BOEDDEKER described the behavior of ZELITZKY as someone who may have wanted to fight but that he wasn't sure what he wanted or meant by "man-to-man"

BOEDDEKER stated that Lt. Hlavaty came out of her office and asked them both if everything was ok. BOEDDEKER stated that ZELITZKY told him to file his complaint with the Lieutenant. BOEDDEKER stated that he told Lt. Hlavaty that everything was fine.

BOEDDEKER stated the conversation kept going and ZELITZKY attempted to apologize to him for his comments. BOEDDEKER stated because he would not accept ZELITZKY apology, ZELITZKY became more irritable and eventually stated "I'm already apologizing to you. What do you want me to do? Give you a blow job?" BOEDDEKER stated that he was completely humiliated and embarrassed.

BOEDDEKER stated he believed ZELITZKY to be "a little off" and that being around ZELITZKY is what might get you in trouble on the street. BOEDDEKER stated, "You're collateral damage for his stupid behavior."

R/Sgt. asked BOEDDEKER to describe the 2012 work environment. BOEDDEKER responded by saying that he came back from 023 because he wanted to do more work in 011. BOEDDEKER stated that he wanted to do more surveillance work and liked going to court. BOEDDEKER stated that with all of this going on as it progressed with ZELITZKY he became more concerned. BOEDDEKER that it was his opinion that a sergeant is supposed to help his guys and he felt like ZELITZKY wasn't there on his side to help him. BOEDDEKER stated that he thought ZELITZKY might actually try to hurt him. BOEDDEKER

SUMMARY REPORT
Bureau of Internal Affairs
Special Investigations Section

CR 1054246

described what he meant by "hurt" by saying a request for supervisor might mean that ZELITZKY would encourage them to get a CR number. BOEDDEKER stated that he didn't trust ZELITZKY. BOEDDEKER stated that he thought his proactive work in narcotics would hurt him because it's been his experience that the busier you are, the more chances you have of getting a CR. BOEDDEKER stated that in order to avoid that he became much less proactive and that he does the bare minimum. BOEDDEKER stated that his concern was that ZELITZKY would handle the TRR or CR. BOEDDEKER stated that in order to avoid that he stopped making narcotics arrests. BOEDDEKER stated that he actually started making more felony arrests for traffic violations. BOEDDEKER stated that traffic is safe and you don't get a lot o CR'S from traffic but you do get court dates.

BOEDDEKER concluded the interview by relating an incident with ZELITZKY that occurred on or about 21 May 2012 where he was working with P.O. Leon. BOEDDEKER stated they stopped in station and we're joking around with watch secretary. Someone walked by and told them that the commander was next door in the watch commander's office. BOEDDEKER said that as he and Leon were going through the parking lot he said to LEON "Jesus Christ. I'm glad we got a heads up." BOEDDEKER stated at that time ZELITZKY jumped out of an unmarked Tahoe and said "Jesus Christ? Is that directed at me because I'm Hebrew?" BOEDDEKER stated "No Sarge" and then explained the story. BOEDDEKER said that this incident made him think that ZELITZKY is gunning for me but it wasn't sexual harassment. BOEDDEKER stated that in his opinion it created a hostile work environment. BOEDDEKER stated it put him on edge because it made him feel that he has to be on guard all the time, needs a chaperone and steers clear of ZELITZKY

INTERVIEW OF P.O. THOMAS RAINES #8384 (Attachment No. 9)

On 20 June 2013 P.O. Thomas Raines #8384 was interviewed by reporting sergeant at the Offices of the Bureau of Internal Affairs. P.O. Raines was accompanied by attorney Ron Dahms.

In essence, P.O. Raines stated his recollection of an incident where he and BOEDDEKER were called in to the 011th District to meet with Sgt. ZELITZKY, Sgt. Mahaffey and Lt. Hlavaty. P.O. Raines stated that the topic concerned him and Boeddeker conducting narcotics surveillances. P.O. Raines stated that he didn't recall what Sgt. ZELITZKY said to him but that Sgt. ZELITZKY was speaking to him "unprofessionally and inappropriately."

P.O. Raines described his working relationship with Sgt. ZELITZKY where he described Sgt. ZELITZKY as a superior who used that power of him on a constant basis. P.O. Raines stated that Sgt. ZELITZKY "would try to embarrass

me in front of my co-workers and other supervisors" and that he would openly chastise him in front of other co-workers.

P.O. Raines stated that he heard Sgt. ZELITZKY call BOEDDEKER "ball licker" on multiple occasions. P.O. Raines stated that he did not hear Sgt. ZELITZKY say to BOEDDEKER "What do you want me to do? Give you a blow job?"

INTERVIEW OF P.O. JOEL HOLLER #14200 (Attachment No. 10)

On 21 June 2013 P.O. Joel Holler #14200 was interviewed by reporting sergeant at the Offices of the Bureau of Internal Affairs. P.O. Holler was accompanied by attorney Sean Starr.

In essence, P.O. Holler stated that he knew both Boeddeker and Sgt. ZELITZKY. P.O. Holler stated that he had a good and professional relationship with Sgt. ZELITZKY and professional relationship with BOEDDEKER. P.O.

Holler stated that he heard the term "ball licker" used by Sgt. ZELITZKY toward BOEDDEKER but didn't recall exactly when he heard it. P.O. Holler stated that Sgt. ZELITZKY may have used the term "ball licker" toward BOEDDEKER during an incident on or about 12 May 2012. P.O. Holler stated that he remembered Boeddeker pulling out a note pad to write something down. P.O. Holler stated that BOEDDEKER told him that he didn't like Sgt. ZELITZKY calling him "ball licker" but BOEDDEKER didn't tell him why he didn't like it.

P.O. Holler stated that he did not hear Sgt. ZELITZKY say to Boeddeker "What do you want me to do give you a blow job too?"

INTERVIEW OF P.O. VANESSA COBAR #11718 (Attachment No. 11)

On 01 July 2013 P.O. Vanessa Cobar #11718 was interviewed by reporting sergeant at the Offices of the Bureau of Internal Affairs. P.O. Cobar was accompanied by attorney Sean Starr.

P.O. Cobar stated that she did not hear Sgt. ZELITZKY refer to BOEDDEKER as "ball licker" nor did she hear him say "What do you want me to do? Give you a blow job?"

INTERVIEW OF P.O. GLEN POPIELA #14124 (Attachment No. 12)

On 09 July 2013 P.O. Glen Popiela #14124 was interviewed by reporting sergeant at the Offices of the Bureau of Internal Affairs. P.O. Popiela was accompanied by attorney Sean Starr.

P.O. Popiela stated that he knew both Boeddeker and Sgt. ZELITZKY professionally through the Department. P.O. Popiela stated that he heard Sgt. ZELITZKY refer to BOEDDEKER as "ball licker" on one occasion. P.O. Popiela stated that Sgt. ZELITZKY and BOEDDEKER had an encounter near the desk area of the 011th District where Sgt. ZELITZKY said to P.O. Holler something to the effect of, "I called a guy Ball Licker and he goes crazy. Some people can't take a joke." P.O. Holler stated that he did not hear Sgt. ZELITZKY say to BOEDDEKER "What do you want me to do give you a blow job too?"

INTERVIEW OF P.O. JAMES KINSELLA #10472 (Attachment No. 13)

On 09 July 2013 P.O. James Kinsella #10472 was interviewed by reporting sergeant at the Offices of the Bureau of Internal Affairs. P.O. Kinsella was accompanied by attorney Sean Starr.

P.O. Kinsella stated he knew both Sgt. ZELITZKY and BOEDDEKER. P.O. Kinsella stated that he had "Some good. Some Bad" encounters with Sgt. ZELITZKY. P.O. Kinsella stated that Sgt. ZELITZKY could be unprofessional at times. P.O. Kinsella stated that unprofessional meant, "Overall demeaning attitude toward police officers. He was sometimes disrespectful. I thought he would try to bait people into further confrontation."

P.O. Kinsella stated that he did not hear Sgt. ZELITZKY call BOEDDEKER "Ball Licker" nor did he hear Sgt. ZELITZKY say, "What do you want to me do? Give you a blow job too?" P.O. Kinsella did state that he recalled an exchange between Sgt. ZELITZKY and BOEDDEKER where BOEDDEKER asked Sgt. ZELITZKY, "Do you think it's appropriate to refer to a subordinate as a Ball Licker?" P.O. Kinsella stated that Sgt. ZELITZKY initially didn't say anything and BOEDDEKER repeated himself. P.O. Kinsella stated that Sgt. ZELITZKY stated something to the effect, "You have an hour to file a complaint."

INTERVIEW OF SGT. ADAM ZELITZKY (Attachment No. 14)

On 23 April 2014 reporting sergeant interviewed the accused at the Offices of the Bureau of Internal Affairs. ZELITZKY was accompanied by attorney, Tom Pleines. ZELITZKY'S interview was a digitally recorded audio interview.

The following is not intended to be considered a verbatim account of the interview of BOEDDEKER. Rather, it is a summary of the conducted interview.

R/Sgt. directly asked ZELITZKY if he referred to BOEDDEKER as Ball Licker. ZELITZKY responded that he did and BALL LICKER was a name BOEDDEKER had been called regularly by numerous people and in the presence of ZELITZKY.

SUMMARY REPORT
Bureau of Internal Affairs
Special Investigations Section

CR 1054246

ZELITZKY further stated that BOEDDEKER never brought it to his attention that he did not wish to be called by that name. ZELITZKY stated that he used the name BALL LICKER while on the street but not directly toward BOEDDEKER. ZELITZKY stated that this occurred during the week of NATO.

ZELITZKY stated that he used the name BALL LICKER in reference to BOEDDEKER "inadvertently" because he had heard it being used so often in the past. ZELITZKY specifically stated,

"There was no thought of any sexual implication or anything. It was just words but not with anything in my mind that was in any way sexually charged or sexually. It wasn't a judgmental thing or saying anything about either my sexual orientation or his sexual orientation. It was not a word with a specific implication. It certainly was not my intent to make him feel anything of a sexual nature or hurt his feelings or to upset him. And I am apologetic if I did upset him but in the times I've been on the Police Department there are many people who have had nicknames. I didn't specifically say that to hurt his feelings."

Reporting sergeant asked ZELITZKY if he ever referred to BOEDDEKER as "Ball Licker" during roll call in 2011. ZELITZKY stated that he didn't specifically recall doing it and if he did it was unintentional but that he didn't recall saying it. ZELITZKY further stated that if he said it inadvertently, it was never brought to his attention. R/Sgt. asked ZELITZKY if BOEDDEKER told him it was unwelcome or inappropriate. ZELITZKY responded that BOEDDEKER did not make that type of statement to him.

R/Sgt. asked ZELITZKY if he believed being called Ball Licker would be derogatory in nature. ZELITZKY stated, "I possibly would have. I've also had other variations of my name. Ball Licker was a variation of his name. It never occurred to me once about it being a sexual preference of his or a discriminatory thing. He never brought it to my attention as a supervisor in my presence."

ZELITZKY stated that after the incident in May 2012, he attempted to apologize to BOEDDEKER for using the name and he offered to generate a CR number against himself for having used the name because BOEDDEKER would not accept his apology. ZELITZKY stated that BOEDDEKER told him that it was not necessary but that he didn't want ZELITZKY speaking to him again.

ZELITZKY further described a conversation he had with BOEDDEKER concerning beat integrity. ZELITZKY stated that during that conversation he advised BOEDDEKER about a verbal admonishment for arrests outside of his assigned beat. ZELITZKY stated that he again apologized to BOEDDEKER for the use of Ball Licker but that BOEDDEKER was not accepting of his apology.

R/Sgt. asked if ZELITZKY ever said anything to BOEDDEKER about settling the issue "man-to-man." ZELITZKY stated that he didn't recall saying that.

R/Sgt. directly asked if ZELITZKY said, "What do you want me to do? Give you a blow job?" ZELITZKY stated, "I don't recall ever saying that. I presently don't remember using those words. It seems to me that I would remember saying something to that extent."

R/Sgt. asked if ZELITZKY found it acceptable that he even referred to BOEDDEKER as "Ball Licker." ZELITZKY responded "No."

At the end of the interview, ZELITZKY stated that BOEDDEKER was given the same benefits and opportunities as any other officer on the watch.

SUMMARY

It is BOEDDEKER'S allegation that being called "Ball Licker" by the accused were acts of discrimination committed by the accused on the basis of his sex (male). The use of the name "ball licker" was confirmed by witnesses, P.O. Raines and P.O. Popiela in their respective interviews. In the case of P.O. Popiela, the accused admitted to P.O. Popiela that he called Det. BOEDDEKER "ball licker." (Attachments 9 & 12)

ZELITZKY admitted to having used the name on one occasion (12 May 2012), however, he stated that he did not direct it toward BOEDDEKER. Furthermore, ZELITZKY adamantly stated that he did not use the name in reference to BOEDDEKER with the intent of it being a form of sexual harassment. The accused stated that the use of the name "ball licker" was not intended to hurt the feelings of BOEDDEKER. The accused further stated that other members of the 011th District would refer to BOEDDEKER as "ball licker" but that BOEDDEKER was only concerned with the accused calling him that name. (Att. 14)

When interviewed by reporting sergeant in regard to other instances that the accused may have called BOEDDEKER the name "ball licker", ZELITZKY stated that he could not recall if he did or did not call him that name. Due to the lack of recollection by the accused, reporting sergeant must give weight to the document and testimony provided by BOEDDEKER and interviewed witnesses. Based on these interviews reporting sergeant has concluded that the accused used the name "ball licker" in reference to BOEDDEKER on more than the one occasion the accused was able to recall. (Attachments 14 & 5)

In regard to Allegation No. 2 concerning the accused allegedly stating, "What do you want me to do, give you a blow job?" as a form of sexual harassment and creating a hostile work environment; reporting sergeant has found that there is

not enough evidence to support the accused even making this statement. BOEDDEKER writes about it specifically in his report, but the statement is not corroborated by any of the interviewed witnesses. P.O. Popiela and P.O. Kinsella were identified by BOEDDEKER as being near the exchange on 14 May 2012. (Attachments 12 & 13)

Reporting sergeant has concluded that both allegations as they were presented by BOEDDEKER in his interview and subsequent filing under IDHR Charge No. 2013 CN 1143 are UNFOUNDED because the use of the name "Ball Licker" was not intended to be a form of harassment on the basis of sex by ZELITZKY. Furthermore, reporting sergeant has concluded that the use of the name "Ball Licker" by the accused did not meet the definition of Harassment as delineated in previously relevant General Order 10-02. G.O. 10-02 stated the definition of Harassment as follows:

"Harassment includes conduct that has the purpose or effect of substantially interfering with the work performance of an employee or creating an intimidating, hostile, or offensive work environment." (Att. 17)

The name calling by the accused was not pervasive or frequent enough to create a hostile work environment for BOEDDEKER. Reporting sergeant analyzed the A&A history of BOEDDEKER from January 2011 through 14 May 2012. Reporting sergeant found that BOEDDEKER was present for duty 136 times during the calendar year of 2011. From 01 January 2012 through 14 May 2012, BOEDDEKER was present for duty 56 times out of 134 total days for that time period. BOEDDEKER presented five instances where he described occurrences by the accused referring to him as "ball licker." (Attachments 15 & 16)

At the end of his interview, BOEDDEKER attempts to paint a picture by which he changes his approach to police work because of his beliefs about how ZELITZKY may treat him. BOEDDEKER'S conscious decision to alter the types of arrests he makes in order to go to court is purely selfish in nature. BOEDDEKER offers no concrete examples of ZELITZKY interfering in any way with BOEDDEKER'S daily routine in field duties. ZELITZKY even makes a point in referencing that BOEDDEKER was given the same benefits and opportunities as any other officer on the watch. (Attachments 6 & 14)

Reporting sergeant has also concluded that the use of the name "ball licker" by the accused toward BOEDDEKER was not an act of discrimination as defined in G.O. 10-02. G.O. 10-02 defined discrimination as follows:

"an adverse action by a Department member that is motivated to adversely impact a member because of his race, color, sex, age, religion, national origin or ancestry, marital status, parental status, sexual orientation, military service, disability, or other such classifications." (Att. 17)

BOEDDEKER did not cite any actions taken against him by the accused that were adverse in nature. For example, BOEDDEKER did not say that he could not use elective time or was given poor performance ratings by the accused.

However, reporting sergeant has found that the use of the name "ball licker" by the accused toward Det. BOEDDEKER is serious enough in nature to warrant an additional allegation against the accused for violating Rule 8 of the Rules and Regulations of the Chicago Police Department. Rule 8 states, "Disrespect to or maltreatment of any person, while on or off duty." The use of the name "ball licker" by a Sergeant toward any subordinate in the workplace is a form of disrespect and must not be tolerated.

4. FINDINGS

Allegation No. 1: UNFOUNDED OTHER VIOLATION: SUSTAINED

Violation of Rule 8 of the Chicago Police Department's Rules and Regulations in that Sgt. ZELITZKY referred to the accused as "ball licker" on more than one occasion during 02 November 2011 through 14 May 2012.

Rule 8 states, "Disrespect to or maltreatment of any person, while on or off duty."

Allegation No. 2: UNFOUNDED

5. RECOMMENDATION FOR DISCIPLINARY ACTION

After reviewing the disciplinary and complimentary histories of the accused, reporting sergeant recommends that Sgt. ZELITZKY be suspended for 10 days from the Chicago Police Department.

6. DATE INITIATED: 24 May 2012

7. DATE COMPLETED: 01 August 2014

8. ELAPSED TIME: 784 Days

SUMMARY REPORT
Bureau of Internal Affairs
Special Investigations Section

CR 1054246

SIGNATURE PAGE



#2232

Sgt. Robert Vanna #2232
Bureau of Internal Affairs
Special Investigations Section

APPROVED:



3, 01 Aug 14

Edwin Kaup Jr. #771
Lieutenant
Bureau of Internal Affairs



Robert J. Klimas
Commander
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